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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

MATT MOONIN, DONN YARNALL, and
ERIK LEE,

Case No. 3:12-cv-00353-LRH-(VPC)

Plaintiffs,

v.

**PLAINTIFFS' MOTION TO FILE
PLEADING IN EXCESS OF
THIRTY PAGES**

STATE OF NEVADA, ex rel., its
DEPARTMENT OF PUBLIC SAFETY;
HIGHWAY PATROL; LAS VEGAS
METROPOLITAN POLICE DEPARTMENT;
CITY OF LAS VEGAS; CLARK COUTY;
DOUG GILLESPIE-Sheriff; DAVE LEWIS;
JOHN STEWART; KEVIN TICE; THOM
JACKSON; JIM PETERSON; WAYNE
PROSSER; CHARLES HAYCOX; BRIAN
SANCHEZ; HUGH SHOOK; TODD
ELLISON; ERVIN RAAB; BEN LEONARD;
LUIS ZAPATA; DONALD DICE; CHRIS
PERRY, individually and in his official
capacity; PAT GALLAGHER; GREG ZEIL;
DALE JAEGER; MEL ENGLISH; TOM
HIGGINS; MARK RISPOLI; MAKOR K-9;
DOES 1-9, inclusive; and CORPORATIONS
10-14,

Defendant.

Plaintiffs MATT MOONIN, DONN YARNALL, and ERIK LEE by and through
their attorney, KENNETH MCKENNA, ESQ., move this Court for an order permitting them
to file their Response to Defendants State of Nevada's Second Motion for Judgment on the

1 Pleadings for Failure to State a Claim/Special Motion to Dismiss pursuant to NRS 41.635 in
2 excess of the thirty (30) page limit. The Response filed concurrently consists of sixty-four
3 (64) pages.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 Local Rule 7-4 states, “[u]nless otherwise ordered by the court, pretrial and post-
6 trial briefs and points and authorities in support of, or in response to, motions shall be
7 limited to thirty (30) pages including the motion but excluding exhibits.”

8 The Opposition being filed is in Response to Defendant, State of Nevada’s, fifty (50)
9 page Motion. Plaintiffs request that the Court permit the Response to be filed, even though it
10 is sixty-four (64) pages, thirty-four (34) pages greater than that allowed by the rule. The
11 extra pages are needed to fully and completely respond to all the issues raised by the
12 Defendants. The full sixty-four (64) page Response is required to adequately and properly
13 represent the Plaintiffs before this Court, as well as assist this Court in fully understanding
14 this complex matter.

15 Respectfully submitted this 19th day of August, 2013.

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17 BY: /s/ Ken McKenna
18 KEN MCKENNA, ESQ.,
19 NEVADA BAR NO. 1676
20 Attorney for Plaintiffs Matt Moonin, Donn
21 Yarnall and Erik Lee.
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CERTIFICATE OF SERVICE

The undersigned, under penalty of perjury, declares and certifies to be over 18 years of age, not a party to the within action, and an employee of KENNETH J. McKENNA, Attorney at Law, a Professional Corporation, and as such is familiar with the practices of his law office; and that on this date, did personally cause the foregoing attached document to be served as further described below:

 X Filing a true and accurate copy of the foregoing to the United States District Court CM/ECF Electronic Filing

Addressed as follows:

CATHERINE CORTEZ MASTO
Attorney General
CYNTHIA HOOVER
Deputy Attorney General
CAMERON VANDENBERG
MATTHEW A. DEAL
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511

Dated: August 19, 2013

/s/ Monica Waugh
An employee of Kenneth J. McKenna

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